

Minutes of the Land Use, Parks and Environment Committee - August 15, 2006

The meeting was called to order by Chair Mitchell at 8:32 a.m.

Present: Chair William Mitchell, County Board Supervisors Keith Hammitt, Keith Harenda (left at 9:38 a.m.), Pauline Jaske, Walter Kolb (arrived at 8:36 a.m.), Vera Stroud and Peter Wolff

Staff Present: Legislative Policy Advisor Mark Mader, Minutes recorded by Sandi Meisenheimer of County Board Office

Also Present: Parks and Land Use Director Dale Shaver, Planning & Zoning Mgr. Dick Mace, Principal Asst. Corp.Counsel Debbie Price, Corp. Counsel Law Clerk Mike Szabo

Approve Minutes of July 18, 2006

Motion: P.Wolff moved, second by Harenda, to approve the minutes of 7/18/06. **Motion carried 5 – 0.**

Executive Committee Report by Bill Mitchell on the Meeting of August 14, 2006

Mitchell reviewed items that were discussed and/or considered at the last meeting on 8/14/06.

Consider Proposed Resolution: 161-R-005 Amend the Regional Water Quality Management Plan for the City of Muskego, Waukesha County, Wisconsin

Mace said the process that has been used over the years in Waukesha County is to approve the proposed amendments and in this case there are three small areas in Muskego. The City of Muskego has asked that certain land be added to the Muskego Sanitary Sewer Service area. SEWRPC has reviewed it and recommended approval of the extension of sewer to those projects, as has the City of Muskego. Mace said they monitor these in the Planning Department to make sure when projects come through that this process has occurred and that everyone has approved the proposed amendments.

Jaske asked how the number of persons and housing units is determined. Mace said he presumes it is a function of the projects themselves.

Motion: Jaske moved, second by Kolb, to approve Resolution 161-R-005. **Motion carried 7 – 0.**

Discussion of the Comprehensive Plan Update

Shaver gave an overview of planning process. He stated the current County Development Plan that was adopted by the County Board in 1996 and became effective in 1997. They have been using it and updating it every year and using it as a guide for land use decisions. In 2002 Wisconsin passed what is known as the Smart Growth law, which changed the statutes and changed the way municipalities do land use planning. If you have a comprehensive plan by the year 2010 you have to have a plan adopted under the statutes in place to continue regulating land use. Waukesha County with 28 of the 37 municipalities in the county and the Regional Planning Commission are working to update the development plan to make it compliant with the new statutes. There are other reasons as well, such as adjusting to market conditions, requests from communities, etc.

Shaver accessed the department web site and explained how it can be used. The following information is on line: Planning & Zoning Division has the current 1997 County Development Plan so a person can see all of the maps. Under Quick Links, there is the Development Plan Update, and they are blogging all of their progress with the updates to the current Development Plan. Other sections are: Advisory Committees, Getting Involved, and Maps. There also is a detailed list of all

the municipalities showing if and when they joined and if they did not respond. Shaver continued on explaining other information that can be accessed.

Discuss Conditions Being Placed on Waukesha County Development Plan Amendments

Shaver said if you take land use issues and dissect them down, the development plan is really the big picture view of things as to what is going on economically and what is going on with population trends. In fact, the population projections that they made in the mid-nineties have missed the mark by about 3½% so that's pretty good from a planning perspective. They will again be projecting population trends and economically they are projecting a 12% increase in retail or service sector job growth in the next 20 years in the county. The next step is the zoning decision and whether the specifics about a parcel are consistent with a plan. Then they get into site-specific issues (conditional uses, site plans or plan of operations).

Shaver said what he and Price want to discuss today is not only giving an overview of the planning process but also at what level is it appropriate to put conditions on a parcel. He referred to the J.B.J Development in Brookfield and said they had to wait a year to come back and get a condition removed as a plan amendment. It should have been at the zoning level. It is the zoning code that prescribes what the conditions are. Another step is the subdivision of land or certified survey map, which is another opportunity to put conditions in for access, permit requirements, etc.

Mitchell asked if we're not going to put any conditions on planning how do we protect ourselves from those that are already consistent zoning? Price indicated that might be a very limited situation. The memo she wrote to the committee says I can't tell you that you can't do conditions at the plan amendment stage but she wants to caution the county committees and commissions that when you do condition at the plan amendment stage you have to be very careful. They have to be appropriately tied to what your concerns are (have to have the jurisdiction to enforce them; can't impede the county zoning authority by making calculations that more strict, i.e., what a town should be doing).

Price stated the plan in general addresses concepts of land use and balances of different types of land use. She does not see it as appropriate to put conditions on at the plan stage for a number of legal reasons and practical reasons and should be done very cautiously. Referring to the JBJ Development, she said you have to be careful when you put in the plan amendment the number of units. If you say 52 units you may be impeding the zoning authority of that Town, which has a zoning code for density and setbacks. Price said you might be restricting that property more than other properties in that zoning district within the Town.

Harenda left the meeting at 9:38 a.m.

Price said another thing to think about is the authority of other governmental entities whether it is access to a state highway or with a recent rezone that had conditions against motorized boats on the Ashippun River. In the latter example the county does not have any jurisdiction over that waterway and does not have any ability to enforce whether there are motorized boats.

Price indicated that the plan amendment stage is designed to be rather broad. If there are concerns, perhaps, they could be put in the minutes or direct staff to communicate with the local municipalities or when its coming up for a rezone at the town level have staff send a letter to be put into the record as concerns by the county.

Future Meeting Dates

Mitchell said due to a request, he would like to change the start time of committee meetings from 8:30 a.m. to 8:45 a.m. The next meeting is scheduled for Tuesday, September 5, and it might be an all day meeting although that is still to be determined. It depends on how many capital projects will be reviewed.

Motion to adjourn: Hammitt moved, second by Stroud, to adjourn the meeting at 10:09 a.m.
Motion carried 6 – 0.

Respectfully submitted,

Keith Harenda
Secretary

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